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Rules, Regulations, Orders

TITLE 10—ARMY

WAR DEPARTMENT

PART 1.—THE ASSISTANT SECRETARY OF WAR

SEC. 1.08 Federal, State, county, and municipal taxes.

(c) *Federal taxes.*—(1) *Items on which imposed.*—Items on which Federal taxes are imposed will be published from time to time in War Department procurement circulars. The rates of tax on those items may be found in Regulations 44 and 46 or later similar publications of the Commissioner of Internal Revenue. These publications will be obtained from the chief of the supply arm, service, or bureau, concerned.

The items on which Federal taxes are imposed are as follows:

Tires and inner tubes.

Toilet preparations.—Perfumes, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any similar substance, article, or preparation, by whatsoever name known or distinguished; any of the above which are used or applied or intended to be used or applied for toilet purposes.

Jewelry, etc.—All articles commonly or commercially known as jewelry whether real or imitation; pearls, precious and semiprecious stones, and imitations, thereof; articles made of, or ornamented, mounted, or fitted with, precious metals or imitations thereof or ivory (not including surgical instruments or silver plated ware, or frames or mountings for spectacles or eyeglasses); watches; clocks; parts for watches or clocks; opera glasses; lorgnettes; marine glasses; field glasses; and binoculars.

Automobile trucks, tractors, motorcycles.—Automobile truck chassis, automobile truck bodies, tractors of the kind chiefly used for highway transportation in combination with a trailer or semi-

trailer (including in each of the above cases parts or accessories thereof sold on or in connection therewith or with the sale thereof). Other automobile chassis and bodies and motorcycles (including in each case parts or accessories thereof sold on or in connection therewith or with the sale thereof), except tractors. A sale of an automobile truck shall, for the purposes of this paragraph, be considered to be a sale of the chassis and of the body.

Radio receiving sets.—Chassis, cabinets, tubes, reproducing units, power packs, and phonograph mechanisms, suitable for use in connection with or as a part of radio receiving sets or combination radio and phonograph sets (including in each case parts or accessories thereof sold on or in connection therewith or with the sale thereof).

Mechanical refrigerators.—Household type refrigerators (for single or multiple cabinet installations) operated with electricity, gas, kerosene, or other means (including parts or accessories therefor sold on or in connection therewith or with the sale thereof). Cabinets, compressors, condensers, expansion units, absorbers, and controls (hereinafter referred to as "refrigerator components") for, or suitable for use as part of or with, any of the articles enumerated in the preceding sentence (including in each case parts or accessories for such refrigerator components sold on or in connection therewith or with the sale thereof) except when sold as component parts of complete refrigerators or refrigerating or cooling apparatus.

Gasoline.—All products commonly or commercially known or sold as gasoline (but not including casing head and natural gasoline), benzol, benzene, or naphtha, regardless of their classifications or uses; and any other liquid of a kind prepared, advertised, offered for sale or sold for use as, or used as, a fuel for the propulsion of motor vehicles, motor boats, or airplanes; except that it does not include any of the foregoing (other than products commonly or commercially known or sold as gasoline) sold for use otherwise than as a fuel for the propulsion of motor vehicles, motor boats, or

CONTENTS

RULES, REGULATION, ORDERS

TITLE 10—ARMY:	Page
War Department:	
Sec. 1.08 Federal, State, county and municipal taxes.....	1975
Sec. 1.15 Invitations for bids.....	1975
TITLE 45—SECURITIES AND EXCHANGES:	
Securities and Exchange Commission:	
Notification of acquisition of utility assets filed by acquiring company pursuant to Rule U-3D-13 (Form U-3D-13).....	1977

NOTICES

Securities and Exchange Commission:	
Consolidated Textile Corp., capital stock, no par value; listing and registration.....	1977
Union Producing Co., withdrawal of application.....	1977

airplanes, and otherwise than in the manufacture or production of such fuel, and does not include kerosene, gas oil, or fuel oil.

Lubricating oil.

Grape concentrate, etc.—Grape concentrate, evaporated grape juice, and grape syrup (other than finished or fountain syrup), if containing more than 35 per centum of sugars by weight.

Firearms, shells, and cartridges.

Matches.—Matches, fancy wooden, and wooden matches having a stained, dyed, or colored stick or stem, packed in boxes or in bulk.

(Sec. 5, 41 Stat. 764, 765; 10 U. S. C. 1193) [AR 5-100, July 20, 1937; Proc. Cir. No. 12, Aug. 1, 1938.]

Sec. 1.15 Invitations for bids.—(a) *How prepared.*—(1) Every invitation for bids will contain the following: (1) A number consisting of the station number of the office issuing it if one has been assigned, followed in the order named;



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by a dash, the last two numerals of the fiscal year in which the invitation is issued, a dash, and the serial number of the invitation. Only one series will be used under any one station number for any arm, service, or bureau for each fiscal year, and the first invitation issued in each fiscal year will bear 1 as its serial number. A serial number once assigned to an invitation which has been distributed will not be used in the same fiscal year for any other invitation. Other numbers or letters may be prefixed to this number if such action is desired by the chief of an arm, service, or bureau.

(ii) The date of issue.

(iii) The name and address of the office to which bids will be sent. This will be exactly what should appear in the address on the envelopes containing the bids.

(iv) The number of copies of bids which must be submitted. Usually bids in triplicate should be required.

(v) The hour and date on which bids will be opened.

(vi) An itemized schedule showing item numbers; the kind, quality, and quantity of the articles, or the nature and extent of the services required. (See paragraph (e) below); the place, time, and rate of delivery of articles, or the place where the services are to be performed and the time allowed for their performance. (If it is not desired to limit bidders in these respects, this may be omitted, see paragraph (4) below); except in the purchase of highly specialized equipment for which a special procedure has been directed, the factors that will be considered in determining the award and an evaluation thereof in terms of money or percentages of bid prices sufficiently definite for a bidder to ap-

ply them to his bid (see paragraph (f) (1) (ii) below, for an example); kind of packing required; conditions of inspection; and a statement of the alternates, if any, which will be considered in making awards.

(vii) A statement as to where and how the specifications used may be obtained.

(viii) A statement as to the certificates which the successful bidders will be required to execute in submitting their claims for payment. See AR 35-1040 as to the various certificates.

(2) If Condition 1 on the reverse side of the Standard Form No. 33 (Standard Government Short Form Contract (supplies)) used has not already been changed as indicated below, and if such change is desirable, this condition may be changed to read:

The Government reserves the right to reject any or all bids, to waive any informality in bids and, unless otherwise specified by the Government or by the bidder, to accept any item in the bid. In case of error in the extension of prices in the bid, the unit prices will govern.

(f) *Special conditions authorized or required to be included.*

(14) *Special procedures under the Bituminous Coal Act of 1937.*—Invitations for bids for bituminous coal will include the following provisions (see paragraph (a) (9) above):

(i) In accordance with the provisions of subsection (b) of Section 9 of the Bituminous Coal Act of 1937 (50 Stat. 72) approved April 26, 1937, the coal to be furnished to the United States under the contract shall have been produced at a mine or mines where—

The employees of the producer have the right to organize and to bargain collectively with respect to their hours of labor, wages, and working conditions through representatives of their own choosing, without restraint, coercion, or interference on the part of the producer of coal at said mine or mines.

The producer shall not interfere with, restrain, or coerce employees in the exercise of their said rights, nor discharge or discriminate against any employee for the exercise of such rights.

No employee of the producer and no one seeking employment with him or it shall be required as a condition of employment to join any association of employees for collective bargaining in the management of which the producer has any share of direction or control.

(ii) The provisions of subsection (c) of section 9 of the Bituminous Coal Act of 1937, reading as follows, are conditions of the contract:

On the complaint of any employee of a producer of coal, or other interested party, the Commission may hold a hearing to determine whether any producer

supplying coal for the use of the United States or any agency thereof, is complying with the provisions of subsection (a) of this section. If the Commission shall find that such producer is not complying with such provisions, it shall certify its findings to the department or agency concerned. Such department or agency shall thereupon declare the contract for the supply of the coal of such producer to be canceled and terminated.

(iii) The contractor certifies that the coal to be furnished under the contract shall have been produced by the producer(s) and at the mine(s) indicated in the contractor's bid.

(iv) In accordance with the provisions of subsection (e) of section 3 of the Bituminous Coal Act of 1937, the bidder certifies that the bid price does not, and in event of award that the contract price shall not, include the excise tax of one cent per ton of two thousand pounds imposed by subsection (a) of said section.

Certificate.—Invoice or voucher covering each delivery will be furnished in triplicate and will bear the following certificate:

I certify that the above bill is correct and just; that payment therefor has not been received; that, except as otherwise noted, all of the articles, materials and supplies furnished under Purchase Order No. _____, Contract No. _____, if unmanufactured articles, materials and supplies, have been mined or produced in the United States, and if manufactured articles, materials and supplies, have been manufactured in the United States substantially all from articles, materials or supplies mined, produced, or manufactured, as the case may be, in the United States; and that State or local sales taxes are not included in the amounts billed; that the United States received the benefit of reduction, if any, in the wage rate, in accordance with stipulations under the contract; that the stipulations required by law with respect to wages, rights and hours of work of employees have been complied with; that the United States received the benefit of decrease, if any, in freight rates, in accordance with the stipulations under the contract.

Firm _____
Signature _____
Title _____

(NOTE.—The above certificate should be printed, stamped, typed or written on the invoice or voucher and must be signed in the original only by the duly authorized representative of the concern billing. Where it is impossible to include the certificate on the face of the invoice or voucher, the certificate will be placed on the reverse thereof. Additional separate sheet for the certificate only will not be accepted.)

Renewal of contract.—Until minimum prices are effective for the mine or mines named in the contract, the Government reserves the right to renew the contract for successive periods not exceeding thirty days each. No renewal shall be made, however, beyond the fiscal year in which the contract was executed.

Termination of contract.—Any contract resulting from this invitation for bids will automatically terminate when minimum prices become effective for the mine or mines named in the contract.

(R. S. 3709; 41 U. S. C. 5; 31 Stat. 905; 32 Stat. 514; 10 U. S. C. 1201.) [Proc. Cir. No. 12, W. D., Aug. 1, 1938.]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 38-2342; Filed, August 11, 1938;
9:43 a. m.]

TITLE 45—SECURITIES AND EXCHANGES
SECURITIES AND EXCHANGE COMMISSION

[Form U-3D-13]

NOTIFICATION OF ACQUISITION OF UTILITY ASSETS FILED BY ACQUIRING COMPANY PURSUANT TO RULE U-3D-13 (SEC. 15, U-3D-13)

SEC. 17. U-3D-13 Form U-3D-13 for notification of acquisition of utility assets filed by acquiring company pursuant to Rule U-3D-13.¹

1. Name and address of acquiring company (hereinafter referred to as "the Company").

2. Name of the registered holding company of which the Company is a subsidiary.

3. Name of company or persons selling the utility assets.

4. Date upon which the acquisition was made.

5. State the location of the Utility assets acquired and briefly describe such utility assets and their geographic relation to the utility assets previously owned by the Company.

6. In the event that the utility assets acquired are electric utility assets give briefly such facts as will indicate that the utility assets acquired are, or are to be, physically interconnected with utility assets already owned and operated by the Company.

7. In the event that the utility assets acquired are gas utility assets give briefly such facts as will indicate that the utility assets acquired are located in or adjacent to the same service area as that in which utility assets already owned and operated by the Company are located.

8. State the total consideration paid for the utility assets acquired and, if the consideration consists in whole or in part of securities, describe briefly such securities and their amounts.

9. State all terms and conditions governing the payment of such consideration.

10. State the amount of fees and commissions paid or to be paid by the Com-

pany in connection with the acquisition of utility assets herein described and indicate the name and address of the person or company to whom paid and indicate whether such person or company is subject to the Commission's rules adopted under Section 13¹ of the Act or is not affiliated with the acquiring company.

11. In the event that the Company has acquired other utility assets during the fiscal year in which this acquisition was made and pursuant to the exemption granted by this rule identify in answer to this item every such acquisition and, for each such acquisition, state the total consideration paid for the assets so acquired. If no such other acquisition has been made during such fiscal year, so state.

12. Attach as Exhibit A to this statement an earnings statement of the Company for the fiscal year preceding that in which the acquisition was made.

13. From figures given in answer to items 8, 11, and 12 give calculations to show that the total consideration paid for all utility assets acquired by the Company during the fiscal year in which the utility assets subject to this report were acquired does not exceed \$100,000 or 5 per cent of the gross annual revenues of the Company derived from operations as a public utility company during the preceding fiscal year, whichever is the lesser.

Date _____

(Name of company)

By _____

(Name) (Title)

(C. 687, sec. 3, 49 Stat. 810; 15 U. S. C. Sup. III, 79c) (Form U-3D-13 adopted August 10, 1938)

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2345; Filed, August 11, 1938;
12:45 p. m.]

Notices

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of August 1938.

¹ C. 687, sec. 13, 49 Stat. 825; 15 U. S. C., Sup. III, 79m.

[File No. 1-1284]

IN THE MATTER OF CONSOLIDATED TEXTILE CORPORATION CAPITAL STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule JD2 promulgated thereunder, having made application to strike from listing and registration the Capital Stock, No Par Value, of Consolidated Textile Corporation; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on August 20, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2343; Filed, August 11, 1938;
12:45 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of August, A. D., 1938.

[File No. 47-23]

IN THE MATTER OF UNION PRODUCING COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION PURSUANT TO REQUEST OF APPLICANT

The Commission, having due regard to the public interest and the interest of investors and consumers, upon the request of the applicant, consents to the withdrawal of the application filed pursuant to Sections 10 (a) (2) and 10 (a) (3) for an order permitting the acquisition of certain oil, gas and mineral leases covering lands situated in Webster Parish, Louisiana, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-2344; Filed, August 11, 1938;
12:45 p. m.]

¹ 3 F. R. 1971 DL.

¹ 3 F. R. 1665 DL.

